

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 35. This sheet replaces the original sheet including Fig. 35.

The label "Background Art" has been changed to "Prior Art" in Fig. 35.

Attachment: Replacement sheet
 Annotated sheet showing changes

REMARKS

Claims 1-21 are now present in this application. Claims 1 and 12 are independent. Claims 1, 3, 12, and 14 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed February 2, 2004, and for providing Applicants with an initialed copy of the PTO-1449 or PTO-SB08 form filed therewith.

Objection to the Drawings

The Examiner has objected to the drawings because the legend "Background Art" of Fig. 35 should be "Prior Art."

In order to overcome this objection, Applicants are concurrently submitting Replacement Drawing Sheets for the Examiner's approval, which address the deficiency pointed out by the Examiner. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Claim Objections

The Examiner has objected to claims 3 and 14 because the term "AC" should be spelled out as "alternating current." In order to overcome this objection, Applicants have amended claims 3 and 14 as requested. No change in the scope of the claims is intended. Reconsideration and withdrawal of this objection are respectfully requested.

Examiner Interview

Applicants wishes to thank the Examiner for the courtesies extended to Applicants's representative during the telephone interview, which was conducted on September 26, 2006. During the interview, U.S. Patent No. 5,568,842 to Otani was discussed with respect to independent claims 1 and 12. Applicants believe that agreement was reached that independent claims 1 and 12 were allowable over the cited art, but the question of operability of the claims was raised by the Examiner.

In order to advance prosecution, independent claims 1 and 12 were amended to recite "an orifice" located between the oil cooler and the oil tank to address the Examiner's concern regarding operability. Therefore, the claims have been amended in the manner discussed during the interview, and are believed to place the application into condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested.

Applicants note that the interview summary dated September 26, 2006, improperly identifies Chad Billings as a participant. Chad D. Wells, Registration No. 50,875, participated in the interview on September 26, 2006.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-2, 4-13, 15-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Otani. Claims 3 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Otani in view of U.S. Patent No. 5,825,109 to Jeske. These rejections are respectfully traversed in light of the Examiner's Interview.

Specifically, Otani fails to teach or suggest "a branch passage branched from said lubricating oil recovery oil passage communicating from said oil cooler to said lubricating oil tank", as recited in claim 1, and "a branch passage branched from said first oil passage", as recited in claim 12, because the oil recovery oil passage and the first oil passage require an oil cooler to be arranged therein. As seen in Figs. 1 and 2, there is no branch passage branched off of oil passage 13, which includes oil cooler 11.

With regard to dependent claims 2-11 and 13-21, Applicants submit that these claims depend, either directly or indirectly, from one of independent claims 1 and 12, which are allowable

for the reasons set forth above, and therefore these claims are allowable based on their dependence from one of independent claims 1 and 12, as well as for their independently recited subject matter. Reconsideration and allowance thereof are respectfully requested.

Office Action

The Office Action contains numerous characterizations of the invention, the claims, and the related art, with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

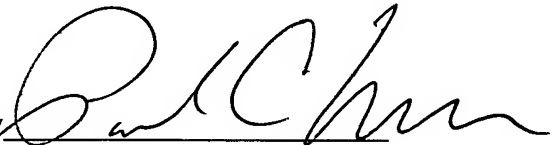
Application No. 10/662,423
Amendment due November 7, 2006
Reply to Office Action of August 7, 2006

Docket No.: 0505-1249P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 6, 2006

Respectfully submitted,

By 

Paul C. Lewis

Registration No.: 43,368

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants

Attachments: Replacement Sheet (Fig. 35)
Annotated Sheet (Fig. 35)

CDW

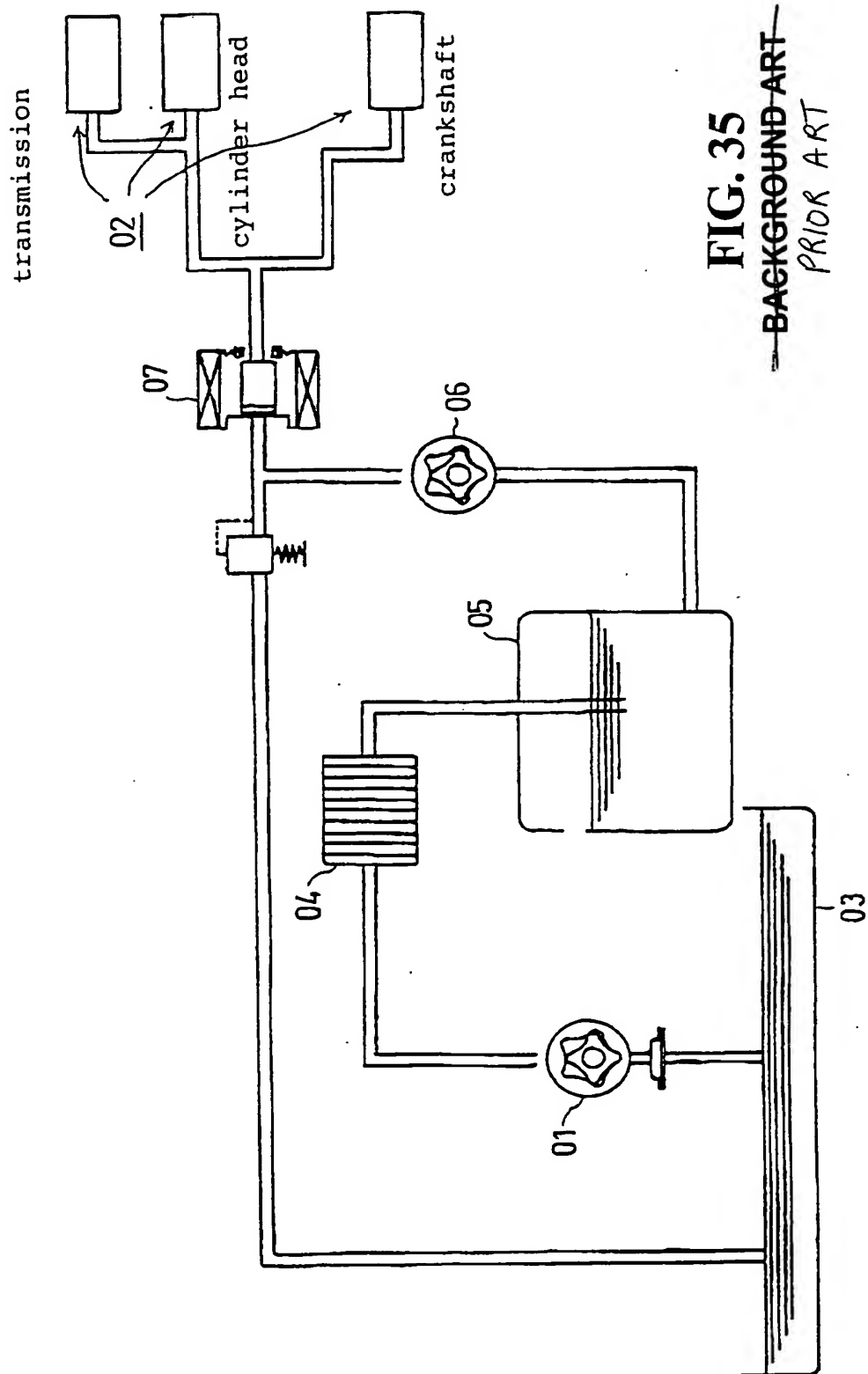


FIG. 35
~~BACKGROUND ART~~
PRIOR ART